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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,456	06/26/2003	Jason Goldsmith	JGO1-G90	9389
7590	06/01/2004		EXAMINER PASSANITI, SEBASTIANO	
Karl M. Steins Steins & Associates Suite 120 2333 Camino del Rio South San Diego, CA 92108			ART UNIT	PAPER NUMBER
			3711	
DATE MAILED: 06/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/608,456

Applicant(s)

GOLDSMITH, JASON

Examiner

Sebastiano Passaniti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/10/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office action is responsive to communication received 07/10/2003 – application papers filed and IDS.

Claims 1-20 are pending.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Botsch.

As to claim 1, Figures 5 and 9 clearly show a golf club having a club head (64) with a face (59) and an alignment assembly comprising a dome (12) attached to the top of the head. As to claim 2, the dome (12) includes a top surface with a sight slot (18). As to claim 3, Figures 5 and 6 clearly show that the slot (18) is perpendicular to the plane of the face. As to claim 4, Figure 2 clearly shows that the dome includes a cavity or void, whereby the void is bounded by a top inner surface and a bottom projection surface. As to claim 5, light entering the slot (18) illuminates the line (15) on the bottom surface, thereby created an image of a line on the bottom projection surface. As to claim 6, the slot (18) and line (15) are clearly aligned to form an parallaxtic alignment sight line (see Figures 5 and 6). As to claim 7, Figure 1 shows that the top surface of the dome includes at least a plurality of apertures (21). As to claim 8, at least two of the apertures may be identified as being oriented in a line that is perpendicular to the face. As to

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claim 9, Figures 8 and 9 show that the top surface of the dome indeed forms the top surface of the club head. As to claim 10, here again, note apertures (21). As to claim 11, slot (18) is oriented perpendicular to the face. As to claim 12, Figure 1 shows a dome element attachable to the top surface of a club head and includes a slot (18). The dome is hollow in form and thus includes a top inner surface and a projection surface near a bottom of the dome element. As to claim 13, line (36) represents at least one darkened surface adjacent the slot. As to claim 14, the painted line (15) may be considered to be a lightened portion. Alternatively, when light enters the slot (18), the bottom or projection surface is illuminated and is thereby lightened. As to claims 15-17, Botsch includes both a planar alignment means, i.e., slot (18) as well as parallax alignment means, i.e., a dome (12) with said slot (18) formed in the dome. As to claim 18, note that the bottom surface of the dome, which contains line (15), is the projection surface. As to claim 19, the dome is fabricated of molded plastic and is white in color, free of blemishes or marks. Thus, the dome may be deemed to be clear, as broadly as claimed. The sides of the slot (18) provide at least a pair of darkened portions. As to claim 20, the painted line (15) may be considered to be a lightened portion. Alternatively, when light enters the slot (18), the bottom or projection surface is illuminated and is thereby lightened.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Figure 1 in Miller. Note Figure 2 in Antonious ('900). Note the alignment element in Figure 1 of Podgor. Observe Figure 5 in Antonious ('877). See Figure 1 in Baek.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 703-308-1006. The examiner can normally be reached on Mon-Fri (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sebastiano Passaniti  
Primary Examiner  
Art Unit 3711

S.Passaniti/sp  
May 26, 2004